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10/089,882	04/05/2002	Tohru Hirayama	2002-04864	6787

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EXAMINER

AIRAPETIAN, MILA

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/089,882

**Applicant(s)**

HIRAYAMA ET AL.

**Examiner**

Mila Airapetian

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2002.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 9-11, 20-22 is/are rejected.  
7) ☒ Claim(s) 5-8, 12-19 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 05 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/23/2002.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, 4, 9, 20-22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

### ***Claim Objections***

Claims 5-8, 12-19 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim (for example, claim 5, a multiple dependent claim, is a dependency of multiple dependent claims 3 & 4).

See MPEP § 608.01(n). Accordingly, the claim 5-8, 12-19 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howes (US 2005/0160077) in view of Gerogianni (US 2002/0107747).**

**Regarding claim 1,**

Howes teaches a paint manufacturing method including:

a step of allowing a paint orderer to input a toning job including the calorimetric data of a reference color with which the color of a paint should be matched through toning and the data of the type and a necessary quantity of the paint to a computer terminal (placing an order for coating in a customer-specified color and quantity, [0027]);  
a step of supplying said toned paint from said toning person to said paint orderer (delivering of the customer-specified color and quantity of coating to the orderer, [0025]).

However, Howes does not teach:

a step of selecting a toning person, connecting said computer terminal to a computer of the selected toning person; and transmitting said toning job to said selected toning person to give an order for said toning job to said toning person; and

Georgianni teaches a method for on-line brokering product orders, including: selecting a service provider from a list of available service providers upon receiving an order from customer [0005]; [0006]; and initiating a food order transaction with a selected service provider [0026]. (corresponds to the claimed limitations as toning person equates to the service provider in Gerogianni, "selecting a toning person from a list of available toning persons", and "transmitting the toning job to the selected toning person")

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Howes to include a step of selecting a toning person, connecting said computer terminal to a computer of the selected toning person; and transmitting said toning job to said selected toning person to give an order for said toning job to said toning person, as disclosed in Gerogianni, because the stored information on a plurality of service providers, that is toning persons, would allow the Howes' system a wider choice and a higher probability of finding available service provider (toning person) faster and more efficiently, and resulting in an improved customer service and satisfaction (Gerogianni [0005]).

Howes further teaches a step of producing in a single batch a customer-specified color and quantity of liquid coating (a step of allowing said toning person to communicate the order-receiving approval of said toning job to a paint orderer and prepare a toned paint matched with said toning job [0027]).

**Regarding claim 2,** Howes in view of Gerogianni teach inputting a toning class to said computer terminal in the above step (inputting customer-specified color, [see Howes, 0027]).

**Regarding claim 3,** Howes in view of Gerogianni, as applied to claim 1 or 2, does not teach retrieving order backlogs of a plurality of toning persons by a computer system and selecting a toning person out of the retrieval contents.

Gerogianni teaches retrieving a service provider from a list of available service providers upon receiving an order from a customer, wherein said selecting step is based at least in part on a current order backlog for the service provider [0005]; [0006] ("service provider" corresponds to "toning person").

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Howes in view of Gerogianni to include a step of selecting a toning person, connecting said computer terminal to a computer of the selected toning person; and transmitting said toning job to said selected toning person to give an order for said toning job to said toning person, as disclosed in Gerogianni, because the stored information on a plurality of service providers, that is toning persons,

would allow the Howes' system a wider choice and a higher probability of finding available service provider (toning person) faster and more efficiently, and resulting in an improved customer service and satisfaction (Gerogianni [0005]).

**Regarding claim 4**, these limitations are covered and analyzed in Claim 1.

**Regarding claim 9**,

Howes teaches a paint manufacturing method including:

a step of allowing a paint orderer to input the colorimetric data of a reference color with which the color of a paint should be matched through toning and the type and a necessary quantity of the paint to a computer terminal, connect the computer terminal to a server computer of an agent, and enter a toning job (placing an order for coating in a customer-specified color and quantity over the computer network, [0027]);

a step of allowing said agent to obtain an order receiving approval from said toning person and transmit an order receiving decision to a computer terminal of said paint orderer (producing in a single batch a customer-specified color and quantity of liquid coating [0027]);

a step of allowing said toning person to prepare a toned paint corresponding to the content of said toning job (delivering of the customer-specified color and quantity of coating to the orderer [0025 ]; delivering said paint indicates preparing said delivered paint);

a step of supplying said toned paint to said paint orderer (delivering of the customer-specified color and quantity of liquid coating [0025 ]

However, Howes does not teach a step of allowing said agent to select a toning person and give an order for said toning job to said selected toning person;

Georgianni teaches a method for on-line brokering product orders, including: selecting a service provider from a list of available service providers upon receiving an order from customer [0005]; [0006]; and initiating a food order transaction with a

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selected service provider [0026]. (corresponds to the claimed limitation, as toning person equates to the service provider in Gerogianni, "selecting a toning person from a list of available toning persons", and "transmitting the toning job to the selected toning person")

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Howes to include a step of selecting a toning person, connecting said computer terminal to a computer of the selected toning person; and transmitting said toning job to said selected toning person to give an order for said toning job to said toning person, as disclosed in Gerogianni, because the stored information on a plurality of service providers, that is toning persons, would allow the Howes' system a wider choice and a higher probability of finding available service provider (toning person) faster and more efficiently, and resulting in an improved customer service and satisfaction (Gerogianni [0005]).

**Regarding claim 11**, Howes in view of Gerogianni teach a toning class is input to said computer terminal (placing an order for coating in a customer-specified color and quantity, [0027]).

**Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howes in view of Gerogianni and further in view of Corrigan et al. (2003/0163262).**

**Regarding claim 10**, Howes in view of Gerogianni teaches all the limitations of claim 10 except that a paint orderer is a repair painter.

Corrigan et al. teaches that a paint orderer is a repair painter (user prepares the specified paint and repairs the vehicle [0024] .

It would have been obvious to one having ordinary skills in the art to modify Howes in view of Gerogianni to include that a paint orderer is a repair painter, as disclosed in Corrigan et al., because it would enable Howes' system when being used in

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a paint repair shop, as disclosed in Corrigan, to enable the paint shop (corresponds to paint orderer) to repair the vehicles in his own shop.

**Regarding claim 20**, all these limitations are covered and analyzed in claim 9 above.

**Regarding claim 21**, Howes teaches a paint manufacturing system including:

a paint-orderer's computer terminal in which a toning job including the information about the calorimetric data of a reference color with which the color of a paint should be matched through toning and the type and a necessary quantity of the paint are input (electronic interface to place an order for a liquid coating in a customer-specified color and quantity, [0027]);

an agent's server computer in which the toning job sent from said paint-orderer's computer terminal is entered and which gives an order for the toning job to a toning person selected out of toning-person data and transmits the order-receiving decision of the toning person to said paint-orderer's computer terminal (subsystem for receiving orders over the computer network, [0027]); and

a toning-person's computer terminal for transmitting the order-receiving approval of the toning person about said toning job to the agent's server computer; characterized in that said computer terminal, server computer, and computer terminal are connected each other by a communication line (electronically receiving and order over a computer network [0025], producing in a single batch a customer-specified color and quantity of liquid coating [0027]).).

**Regarding claim 22**, All these limitations are covered and analyzed in claim 21.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



(i) US 6,539,325 to Numata et al. discloses a color matching apparatus for automotive repair paints.

(ii) US 2005/0146531 to Rice et al. discloses a paint color matching and coordinating system.

(iii) EP 1 355 242 to Benton et al. discloses a color matching method for automotive refinishing.

(iv) BASF Corporation, "A World-Class Standard in Color Systems Management" discloses a highly advanced color tool - Color MAX - that provides an accurate color matching.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MA

*Hayrapetian*

Mila Airapetian  
Art Unit 3625

*Aug 16, 2005*

*[Signature]*  
J.C. Gao  
Primary Examiner